



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,790	12/21/2005	Hiroki Nakamura	283682US0PCT	4348
22850	7590	10/23/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
ASINOVSKY, OLGA				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
10/23/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/561,790

Applicant(s)

NAKAMURA ET AL.

Examiner

OLGA ASINOVSKY

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12 and 15-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,5-12 and 15-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

The amendment and Remarks filed on 10/09/2008 have been considered.

The amendment is entered.

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

1. Applicant's arguments, see page 8 (1st paragraph), filed 10/09/2008, with respect to the rejection(s) of claim(s) 1-2, 5-7, 9, 11-12, 15-18, 20-21 under 103 rejection over Hinzle-Bruning et al Patent 5,817,37 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of JP 06207079.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5, 7, 9, 10, 11, 12, 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 06207079 A.
4. JP' 079 discloses graft polymer comprising ethylene-propylene-(diene) rubber, ethylene-butene-(diene) rubber, isobutylene isoprene rubber, page 2 [0005] having molecular weight in the range of 70,000-800,000, and a grafted t-butyl methacrylate

cyclohexyl and methyl methacrylate, page 2 [0008]. The rubbers and grafted monomers are readable in the present claims 1, 2, 11, 12. There is no chlorinated graft polymer in JO'079 for the present claim 11. There is no chlorine moiety containing in the grafted monomers, for the present claims 18. The (meth)acrylic acid monomers and a maleic anhydride which are mentioned under "other monomers which may be used together with methacrylic acid ester as a monomer" at page 3 [0009]. The (meth)acrylic acid monomers and a maleic anhydride are considered as an optional monomer(s) which may not be present. Therefore, the grafted monomer (methyl)methacrylate and t-butyl methacrylate cyclohexyl monomers are readable for being claimed vinyl monomer(s) (B) comprises no unsaturated carboxylic acid or its anhydride, for the present claim 1. The graft polymer comprises ethylene-propylene-(diene) rubber is considered claimed polyolefin resin (A) having low crystalline or noncrystalline properties for the present claim 10. The main grafted monomer methyl methacrylate is present in the amount of 80 parts [0033] at page 7. Thus, the t-butyl methacrylate cyclohexyl is present in the content of at least 20 wt%, for the present claim 19. The graft polymer having molecular weight of 70,000-800,000 [0007] at page 2 is readable in the present claim 20. The major amount of rubber-like polymer is readable in the present claim 9, page 2, [0007]. For producing a polar functionalized graft polymer the monomers such as (meth)acrylic acid-2-hydroxyethyl, acrylic acid hydroxypropyl monomers [0015] and page 4, lines 6-7, can be present for the present claims 5, 15, 16, 17. The claimed modified polyolefin resin is readable in the description of JP' 079.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 06207079 A as applied to claims 1-2, 5, 7, 9, 10, 11, 12, 15-20 above, and further in view of Hinzte-Bruning et al U.S. Patent 5,817,370.

Hinzte-Bruning has been considered in previous office actions.

In addition, Hinzte-Bruning discloses aqueous coating binder which is used as primer, for the present claim 6, column 2, line 18. The aqueous coating composition is a basecoat material for coating substrate made of plastic, column 8, lines 40-41, thus the adhesive properties to a resin having low- or non-polarity is readable in the present claims 7 and 21.

It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the grafted polymer in JP'079 as an adhesive and/or primer for painting as suggested by Hinzte-Bruning invention since the analogous grafted polymer can be used as an aqueous dispersion for desired utility, and because the analogous composition will have analogous adhesive properties.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 06207079 A as applied to claims 1-2, 5, 7, 9, 10, 11, 12, 15-20 above, and further in view of Usui et al U.S. Patent 6,800,688.

Usui has been considered in the previous office action.

Usui discloses graft modified polyolefin resin for an adhesive, a primer or a paint, or an ink application, column 3, lines 39-49.

It would have been obvious to one of ordinary skill in the art at the time of the present invention to use a grafted polymer in JP'079 as adhesive or primer, or ink formulation as evidence in Usui invention, because the analogous graft polymer has analogous adhesive properties, and the resulting graft polymer can be used in a variety of desired application such as for ink application by teaching in Usui invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLGA ASINOVSKY whose telephone number is (571)272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302 or the primary examiner Irina Zemel on 571-272-0577. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Irina S. Zemel/
Primary Examiner, Art Unit 1796

Olga Asinovsky
Examiner
Art Unit 1796

October 17, 2008